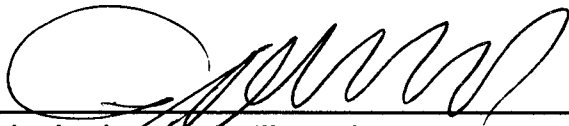


10/19/22

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 12, 2022**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on August 12, 2022.

A handwritten signature in black ink, appearing to read "J. Masingill, III", written over a horizontal line.

**John (Jay) H. Masingill, III, Chair
Alabama Environmental Management Commission**

Certified this 14th day of October 2022.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400
August 12, 2022

Convened: 11:00 a.m.
Adjourned: 11:33 a.m.

Part A

Transcript
Word Index

Part B

Attachment Index
Attachment 1
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Part A

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION
Meeting on 08/12/2022

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MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

ALABAMA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

Alabama Room
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

August 12, 2022

11:00 a.m.

* * * * *

COURT REPORTER: PATRICK R. MILLER, ACCR-631

* * * * *

ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting on 08/12/2022

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1 * * * * *

2 APPEARANCES

3 COMMISSION MEMBERS PRESENT:

4 Mr. Thomas P. Walters, P.E., Chair

5 Mr. John (Jay) H. Masingill, III, Vice Chair

6 Samuel L. Miller, M.D.

7 Ruby L. Perry, D.V.M.

8 Ms. Mary J. Merritt

9 Mr. Kevin McKinstry

10

11

12 COMMISSION MEMBER NOT PRESENT:

13 H. Lanier Brown, II, Esq.

14

15

16 ALSO PRESENT:

17 Mr. Lance R. LeFleur, ADEM Director

18 Mr. Robert D. Tambling, EMC Legal Counsel

19 Ms. Debi Thomas, EMC Executive Assistant

20

21

22

23 * * * * *

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1 (No response was heard.)

2 MR. WALTERS: Motion is unanimous.

3 Item Number 2 is the report from our

4 ADEM Director.

5 MR. LeFLEUR: First of all, it's

6 nice to be back with you-all at the

7 meeting here. I missed the last one.

8 I guess everybody has gotten the

9 Alaska travelogue by now, but it's a

10 pleasure to be with you.

11 MR. WALTERS: When are you going to

12 have a slideshow for Alaska?

13 MR. LeFLEUR: I do. I have some

14 slides here.

15 (Laughter was heard.)

16 MR. LeFLEUR: Okay. Well, good

17 morning to everybody here, and this is

18 the final meeting of the Alabama

19 Environmental Management Commission

20 for Fiscal Year '22. Today's report

21 will focus on the Department's

22 environmental justice and related

23 activities and the current status of

Page 3

1 * * * * *

2 MR. WALTERS: Good morning,

3 everyone.

4 SIMULTANEOUS SPEAKERS: Good

5 morning.

6 MR. WALTERS: We'll call this

7 meeting to order of the Alabama

8 Environmental Management Commission.

9 We do have a quorum. Item 1 is

10 consideration of the minutes of the

11 meeting held on June 10th, 2022. I

12 entertain a motion for the Commission

13 regarding the minutes.

14 DR. MILLER: I move to accept the

15 minutes as written.

16 MR. MASINGILL: Second.

17 MR. WALTERS: We have a motion and

18 a second. Any discussion regarding

19 the motion? All those in favor,

20 signify by saying "aye."

21 (All Commissioners affirmed.)

22 MR. WALTERS: Any opposed, signify

23 by saying "nay."

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1 the American Rescue Plan Act and

2 Bipartisan Infrastructure Law

3 activities being undertaken by the

4 Department. I'll also update you on

5 the status of construction of our new

6 Mobile Field Office and Lab.

7 Environmental Justice, often

8 referred to as EJ, has been receiving

9 heightened attention from the new

10 federal administration. In fact, in

11 EPA's new five-year Strategic Plan, it

12 is second in priority only to climate

13 change and ranks well ahead of clean

14 air, clean water, and clean land.

15 Attention to Environmental Justice is

16 nothing new for you as a Commission.

17 For many years, you have expressed an

18 ongoing interest in the EJ and related

19 activities of the Department. It is

20 now part of our regular reporting

21 routine to update you on Environmental

22 Justice and related activities, which

23 is the focus of today's report.

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1 Each of the last three updates to
 2 the five-year Unified Strategic Plan
 3 of the Commission and Department have
 4 clear objectives related to fair
 5 treatment of, and proactive outreach
 6 to, all stakeholders, particularly
 7 those in minority and disadvantaged
 8 communities. The annual operating
 9 plans of the Department implement the
 10 efforts to achieve those objectives.
 11 Environmental Justice is related to
 12 civil rights law, diversity,
 13 environmental regulation, and social
 14 justice. All of these fall under the
 15 heading of fair treatment.
 16 This slide highlights the major
 17 milestones in our nation's journey
 18 toward assuring fair treatment for
 19 all.
 20 Title VI of the Civil Rights Act of
 21 1964 prohibits the recipients of
 22 federal funds from engaging in
 23 discriminatory treatment of

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1 individuals based on race, color, or
 2 national origin. It is the law. ADEM
 3 receives federal funds and is
 4 therefore subject to the law.
 5 In the 1960s, the movement toward
 6 diversity began to take hold as a
 7 concept and has developed over the
 8 years to encompass the ideas of equity
 9 and inclusion, with a number of
 10 initiatives including at least one
 11 presidential executive order related
 12 to the federal government executive
 13 branch employment. ADEM
 14 wholeheartedly embraces the concepts
 15 of diversity, equity, and inclusion.
 16 On the environmental side of fair
 17 treatment, in the 1970s, the Clean Air
 18 Act, Clean Water Act, Safe Drinking
 19 Water Act, and Resource Conservation
 20 Recovery Act became laws. The State
 21 of Alabama through ADEM has been
 22 delegated authority to administer
 23 those federal environmental laws under

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1 the conforming state laws.
 2 The formal concept of Environmental
 3 Justice came about through a 1994
 4 Presidential Executive Order to
 5 address perceived environmental
 6 burdens borne by low-income and
 7 minority populations. Although
 8 Presidential Executive Orders are only
 9 binding on certain federal agencies,
 10 including EPA, in the Executive Branch
 11 of the federal government, ADEM has
 12 determined EJ is a worthy concept and
 13 voluntarily embraces the EJ fair
 14 treatment goals.
 15 When considering ADEM's programs to
 16 promote fair treatment for all
 17 individuals in our state, we must also
 18 be aware of the backdrop of history.
 19 Alabama's history from many years ago,
 20 like that of many states, included
 21 discriminatory practices. Try as we
 22 might, and despite much evidence to
 23 the contrary, those less familiar with

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1 Alabama harbor preconceived skepticism
 2 about our commitment to fair treatment
 3 and proactive outreach to all
 4 Alabamians. This creates hurdles for
 5 the Department to overcome. For
 6 example, EPA's External Civil Rights
 7 Compliance Office has audited the
 8 Department's civil rights
 9 nondiscrimination program more than
 10 any other state nondiscrimination
 11 program in the nation. I am pleased
 12 that each audit determined the program
 13 met or surpassed all legal
 14 requirements.
 15 Indeed, today's report will
 16 highlight how the Department goes
 17 beyond simply complying with the law.
 18 It will show that we are going the
 19 extra mile to invest in activities to
 20 achieve fair treatment for all of
 21 those in our state.
 22 The ADEM Environmental Justice
 23 Program incorporates four main goals:

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<p style="text-align: right;">Page 10</p> <p>1 First, to deepen EJ practices to 2 improve the health and environment of 3 our overburdened communities. This 4 includes engaging those communities in 5 rulemaking, permitting, and compliance 6 issues as well as employing innovative 7 tools to communicate with all 8 stakeholders.</p> <p>9 The second goal is to work with 10 various partners to expand our 11 positive impact within overburdened 12 communities. This involves working 13 with our state government and local 14 governments, federal agencies, 15 primarily EPA, and nongovernmental 16 community organizations.</p> <p>17 The third goal is to demonstrate 18 progress on significant environmental 19 justice challenges with particular 20 emphasis in the areas of lead 21 disparities, drinking-water quality, 22 air quality, and hazardous waste 23 sites. This is the area where ADEM</p>	<p style="text-align: right;">Page 12</p> <p>1 administration adopted a new 2 methodology to focus on disadvantaged 3 communities, which includes those 4 census tracts with Environmental 5 Justice concerns. The new methodology 6 analyzes information by census tract 7 along eight environmental, climate, 8 health, and socioeconomic criteria 9 utilizing 25 different data sets to 10 identify disadvantaged populations. 11 For those census tracts with 12 disadvantaged populations based on any 13 one of the eight criteria, the 14 administration seeks to direct to 15 those communities 40 percent of the 16 benefits of federal spending in the 17 Justice40 initiative.</p> <p>18 The federal administration analyzed 19 its selected data and developed a map 20 that identifies each of the census 21 tracts deemed disadvantaged. The 22 Department now uses this map to track 23 our Environmental Justice activities.</p>
<p style="text-align: right;">Page 11</p> <p>1 has been well out ahead of EPA.</p> <p>2 The final goal articulated since my 3 last report to you on EJ is to 4 implement the new federal initiative 5 to direct 40 percent of federal 6 program benefits to disadvantaged 7 communities. That initiative is 8 called Justice40.</p> <p>9 In undertaking activities to assure 10 fair treatment of individuals in those 11 areas of our state with Environmental 12 Justice concerns, the first step is to 13 identify those areas with 14 Environmental Justice concerns.</p> <p>15 For a number of years, EPA and ADEM 16 have defined Environmental Justice 17 areas as those census tracts with a 18 nonwhite population of greater than 19 120 percent of the statewide nonwhite 20 population percentage as well as those 21 with a median household income below 22 120 percent of the poverty level.</p> <p>23 Earlier this year, the federal</p>	<p style="text-align: right;">Page 13</p> <p>1 While there is considerable overlap of 2 the areas with EJ concerns under the 3 old definition and the new definition, 4 there are some differences, so some of 5 the results reported in years past may 6 not be comparable to the results I'll 7 be reporting today.</p> <p>8 Looking at the ADEM EJ program, we 9 begin by highlighting that ADEM has 10 dedicated the necessary human 11 resources to make our EJ efforts 12 successful. EJ Coordinators have been 13 designated in our Air, Land, Water, 14 and Permits and Services Divisions. 15 Because of the importance of this 16 effort, the Coordinator's EJ 17 activities are overseen by the Deputy 18 Director. The Deputy Director meets 19 with the Coordinators regularly to 20 manage activities and assess progress. 21 The personnel assigned to coordinate 22 EJ activities receive the specialized 23 training necessary to be effective in</p>

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1 their work. The ongoing training
 2 often involves EPA-sponsored programs.
 3 Training is an important step in
 4 all that we do. In addition to
 5 training our EJ Coordinators, we
 6 formally train each of our personnel
 7 in the basic concepts of fair
 8 treatment. We begin with the
 9 requirements of the law. Title VI of
 10 the Civil Rights Act of 1964. We are
 11 all required to comply with the law,
 12 so each employee is trained in the
 13 requirements of the law. We utilize
 14 an online program developed by EPA
 15 that is now housed in the Department.
 16 A formal diversity training program
 17 was implemented in 2020. The program
 18 was developed at the University of
 19 South Alabama at our request and
 20 covers the concepts of diversity,
 21 equity, and inclusion. As with Title
 22 VI, all personnel are required to
 23 complete the video training program.

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1 In addition to training our
 2 assigned EJ Coordinators, as noted
 3 earlier, for more than ten years, the
 4 Department has provided in-house
 5 formal Environmental Justice training
 6 for every member of our staff.
 7 Three years ago, the Department
 8 reached out to EPA for input on its
 9 vision and implementation of EJ
 10 concepts. EPA had no EJ training
 11 program. Last year EPA completed
 12 development of an Environmental
 13 Justice training program. Every ADEM
 14 employee is required to complete that
 15 training program. EPA is now using
 16 that program as the basis for EJ
 17 training throughout the nation.
 18 For a number of years, the
 19 Department has been tracking what
 20 environmental results have actually
 21 been achieved in the communities with
 22 EJ concerns. EPA is implementing the
 23 new Justice40 initiative that seeks to

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1 have 40 percent of all benefits from
 2 federal actions to accrue to
 3 communities with EJ concerns, but it
 4 is too early to track federal results.
 5 However, we can track the Department's
 6 results.
 7 You will note that the 12 EJ
 8 program metrics ADEM has been tracking
 9 for years have concentrations of
 10 between 55 percent and 98 percent in
 11 or abutting the newly defined
 12 communities with EJ concerns.
 13 Our EJ or Justice40 areas have 55
 14 percent of the brownfields cleaned up,
 15 56 percent of the air-monitoring
 16 sites, 62 percent of the illegal dump
 17 cleanups from the Department's Solid
 18 Waste Fund for innocent landowners, 65
 19 percent of the recipients of special
 20 compliance assistance for above
 21 storage -- aboveground storage tanks,
 22 68 percent of the fish tissue sampling
 23 stations, 76 percent of the scrap tire

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1 cleanups, 84 percent of our
 2 water-quality sampling stations are in
 3 Justice40 communities, 90 percent of
 4 the water bodies with total maximum
 5 daily load limits, 92 percent of the
 6 diesel retrofit grants, 94 percent of
 7 the stream miles with TMDLs, 94
 8 percent of the assessed water bodies,
 9 and 98 percent of the nonpoint source
 10 pollution-control project awards.
 11 In addition to the formal -- to
 12 formal EJ training and tracking actual
 13 results, the Department also gives
 14 extra ranking weight to EJ areas when
 15 prioritizing which unauthorized dump
 16 sites are to be cleaned up, in
 17 eligibility for partial principal
 18 forgiveness in the drinking and
 19 wastewater State Revolving Fund loan
 20 programs, as well as funding through
 21 the American Rescue Plan Act and
 22 Bipartisan Infrastructure Law that
 23 will be discussed later in this

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1 report. We provide extra ranking
 2 weight for demonstration projects in
 3 our scrap tire, recycling and other
 4 programs, and the Department provides
 5 extra ranking weight in the various
 6 grant programs administered by the
 7 Department, just -- to name just a
 8 few.

9 The Department has gone beyond
 10 activities that can be measured
 11 quantitatively with a number of fair
 12 treatment initiatives such as special
 13 compliance assistance to local
 14 governments in areas with
 15 Environmental Justice concerns,
 16 enhanced marketing of low-interest
 17 loans and grants to drinking water and
 18 wastewater systems in disadvantaged
 19 communities, targeted health and
 20 education initiatives in EJ areas,
 21 focused brownfields redevelopment in
 22 disadvantaged areas of Alabama,
 23 increased community meetings and

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1 listening sessions in disadvantaged
 2 areas especially during high-interest
 3 permitting activities, and direct
 4 mailings to every household within a
 5 given radius for high-interest
 6 activities by the Department in
 7 communities with EJ concerns.

8 As the data on these previous
 9 slides clearly demonstrates, ADEM far
 10 exceeds the 40 percent goal in the
 11 Justice40 initiative in those areas
 12 where benefits can be measured.

13 The Department is dedicated to fair
 14 treatment and proactive outreach to
 15 all stakeholders, especially those in
 16 disadvantaged communities. Our goals
 17 and activities reflect that
 18 dedication. Specific personnel are
 19 assigned to coordinate the
 20 Department's EJ activities. All our
 21 employees are formally trained in the
 22 principles of fair treatment. We use
 23 metrics to measure actual results

Page 20

1 including tracking where the benefits
 2 of the federal programs are received.
 3 A hand-up, tailored outreach is
 4 offered to disadvantaged communities.
 5 ADEM fair-treatment activities are
 6 systematic, focused, and
 7 results-oriented. These efforts are
 8 not mandated by statute or regulation.

9 Copies of a more detailed outline
 10 of ADEM's Environmental Justice and
 11 related activities, along with a
 12 reference copy of a compilation of the
 13 Department's broader community
 14 outreach activities, included in a
 15 booklet titled "Community Engagement"
 16 are on the table in the lobby for
 17 review.

18 The booklet is a living document
 19 subject to update and input from
 20 interested parties. The electronic
 21 version of "Community Engagement" is
 22 available on the home page of the
 23 Department's website. The reason we

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1 put the document online is to provide
 2 the public a way to hold the
 3 Department accountable for its
 4 activities to ensure fair treatment to
 5 all individuals in Alabama.

6 Moving on, the American Rescue Plan
 7 Act, often referred to as ARPA, and
 8 the Bipartisan Infrastructure Law,
 9 often referred to as BIL, are federal
 10 programs providing substantial funds
 11 for various purposes. ARPA was
 12 enacted in March of 2021. It
 13 provides -- provided \$1.9 trillion.
 14 Individual communities in Alabama and
 15 throughout the nation received funds
 16 directly from the U.S. Treasury. The
 17 State of Alabama, in its own right,
 18 was allocated \$2.1 billion, with \$1
 19 billion distributed in 2021 and \$1.1
 20 billion received in mid July of this
 21 year.

22 In February of '22, the Alabama
 23 State Legislature appropriated \$225

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1 million of the first \$1 billion of
 2 ARPA funds to upgrade public drinking
 3 water and wastewater systems in
 4 Alabama and assigned ADEM the task of
 5 distributing the funds on a
 6 needs-based approach. There are
 7 indications additional ARPA funds may
 8 be appropriated from the remaining
 9 \$1.1 billion for additional drinking
 10 water and wastewater upgrades in the
 11 state.
 12 In November 2021, the \$1.2 trillion
 13 Bipartisan Infrastructure Law was
 14 signed. Over a five-year period, the
 15 State of Alabama is to receive an
 16 estimated \$765 million for public
 17 drinking water and wastewater upgrades
 18 through an allocation by EPA directly
 19 to ADEM. Approximately \$137 million
 20 is available in 2022.
 21 Between those two programs, there
 22 will be approximately \$990 million in
 23 funding to upgrade public drinking

Page 23

1 water and wastewater systems in
 2 Alabama during the next five years.
 3 In 2022, \$362 million from the two
 4 programs will be available.
 5 In addition to the ARPA and BIL
 6 funding, ADEM also has approximately
 7 \$111 million in its regular State
 8 Revolving Fund loan programs available
 9 in 2022 for funding water and sewer
 10 upgrades. In total, ADEM has
 11 approximately \$1.1 billion from the
 12 three sources to distribute with \$473
 13 million available in 2022.
 14 The Department contacted each of
 15 the 1,061 public drinking water and
 16 wastewater systems in Alabama
 17 requesting proposed projects for
 18 upgrades. With approximately half of
 19 the systems responding so far, we have
 20 requests totaling \$3.2 billion. To
 21 date, the Department has committed
 22 \$318 million to 72 public drinking
 23 water and wastewater projects in

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1 Alabama. In order to maximize the
 2 benefits from the available funding,
 3 the systems are being required to
 4 provide a portion of the funding for
 5 the projects to the degree they are
 6 financially able.
 7 The passage of the Clean Water Act
 8 in 1972 prompted substantial
 9 investments in drinking water and
 10 wastewater infrastructure. Competing
 11 priorities have caused the systems
 12 throughout the nation to neglect
 13 ongoing investments to properly
 14 maintain those infrastructures. After
 15 50 years, upgrades are needed. This
 16 is an historic opportunity to address
 17 those needs, and ADEM is in the lead
 18 in making that happen in Alabama.
 19 Now, on to our Field Office and
 20 Lab. We are into our fourth month of
 21 an anticipated 14-month construction
 22 schedule on our new Mobile Field
 23 Office and Lab. Progress is 30 days

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1 behind the initial schedule due to a
 2 30-day delay in the issuance of the
 3 city permit, but that can likely be
 4 made up. To date, we have
 5 construction cost increases of
 6 approximately \$120,000, \$75,000 of
 7 which is covered by the contingency
 8 included in the construction bid
 9 price. The uncovered increase of
 10 \$53,000 represents about a one-half of
 11 one percent net cost increase over and
 12 above the \$11 million bid. \$20,000 of
 13 the increased cost is for electric
 14 vehicle charging stations with the
 15 remaining increase due to
 16 unanticipated subsurface soil
 17 conditions. Supply chain delays or
 18 materials unavailability have so far
 19 not been a factor.
 20 Overall construction is about 15
 21 percent complete. In this photo taken
 22 from the front of the site on Broad
 23 Street, you can see the installation

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<p>1 of footings for the building. This 2 next photo is also looking from Broad 3 street and shows the below-slab 4 plumbing being installed. 5 The site work, footing pours, and 6 other subsurface work is about 95 7 percent complete. The next step will 8 be pouring the slab followed by the 9 installation of structural steel. 10 The lease on the Dauphin Street 11 office expires in June '23, and the 12 Perimeter Road office will be 13 appraised and go out for bids as we 14 approach the June '23 completion of 15 construction on the new office. 16 Future reports will update you on the 17 progress of construction. 18 That concludes today's report. I'm 19 pleased to answer any questions you 20 may have. 21 MR. WALTERS: Any questions of the 22 Director? 23 (No response was heard.)</p>	<p>1 around 200 -- 2 MR. WALTERS: 200? Okay. Just 3 curious. 4 MR. LeFLEUR: \$20 million is in 5 grants. That was the intention under 6 the statute that was -- of the 7 legislation that was passed in 8 February. 9 MR. WALTERS: Let's hope we don't 10 find ourselves in the same position 50 11 years from now. 12 MR. LeFLEUR: Well, part of the 13 analysis that we perform before making 14 any of these grants or loans, once 15 again, they're on a needs basis. 16 Before making any of those grants or 17 loans, the sustainability of the 18 upgrades is part of the consideration. 19 Each of the projects is overseen by an 20 engineer, and the preliminary 21 engineering reports are required to 22 address sustainability. 23 MR. WALTERS: Okay. Thank you.</p>
Page 27	Page 29
<p>1 MR. WALTERS: I have one. I'm just 2 curious, of the funds that you 3 said have been distributed -- I can't 4 remember the number -- 300 and 5 some-odd that have been committed -- 6 MR. LeFLEUR: \$318 million. 7 MR. WALTERS: Right -- any idea how 8 much of that is what you consider -- 9 what do you call it, forgiveness? 10 MR. LeFLEUR: Loan forgiveness? 11 MR. WALTERS: Loan forgiveness? 12 MR. LeFLEUR: In that, we have -- I 13 believe loan forgiveness is about -- 14 where is -- where is our folks -- I 15 don't have those figures in front of 16 me right now. 17 MR. WALTERS: Okay. 18 MR. LeFLEUR: But the bulk of that 19 is in grants. Matching funds are 20 about \$96 million. 21 MR. WALTERS: Okay. 22 MR. LeFLEUR: So the \$96 million 23 from the 318 would leave you somewhere</p>	<p>1 Any other questions? 2 DR. MILLER: I had one. A few 3 months ago, we talked about a training 4 program for good inmates in the 5 prisons for their wastewater treatment 6 plant. Has that moved forward at all? 7 MR. LeFLEUR: It has not moved 8 forward, and the reason for that 9 appears to be that the Department of 10 Corrections has a lot on their plate 11 right now. They have a new 12 commissioner, and the \$400 million out 13 of the ARPA funds that have been put 14 into construction along with about 15 another \$500 million, I believe it is, 16 for the new prison facilities. We -- 17 we haven't been very high on the 18 priority list. 19 DR. MILLER: Okay. 20 MR. LeFLEUR: However, we -- we 21 will be pursuing that. We just got to 22 get our time slot in there to -- to 23 promote the program.</p>

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1 DR. MILLER: Thank you.
 2 MR. WALTERS: Thank you, Director
 3 LeFleur.
 4 MR. LeFLEUR: Thank you.
 5 MR. WALTERS: Next item on the
 6 agenda, Item Number 3, is report from
 7 the Commission Chair. I don't have a
 8 report, but I guess today I can --
 9 this will be my last meeting. My term
 10 ends next month, so I want to first
 11 express my appreciation to -- to Lance
 12 and specifically Debi for your support
 13 and to other members of the Department
 14 too. Serving in this role as a member
 15 of the Commission, it, of course,
 16 gives you a little more -- I've had
 17 some interaction with agents in my
 18 career, but not to this degree. It's
 19 given me an appreciation for the
 20 professionalism of the -- of the
 21 Department for sure, and I encourage
 22 you-all to support them. And I also
 23 encourage the Department to not be

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1 satisfied with the status quo. Always
 2 reach and try to make things better.
 3 Push -- push for more funding and try
 4 to make things better. So thank you
 5 for the opportunity.
 6 Next item on our agenda, Item
 7 Number 4, is Deanne Cassandra Rainey,
 8 Petitioner, versus ADEM, Respondent,
 9 EMC Docket Number 20-01, acknowledged
 10 for the record of Petitioner Deanne
 11 Cassandra Rainey's withdrawal of the
 12 request for hearing. On November 6th,
 13 2019, Petitioner Deanne Cassandra
 14 Rainey filed with the Commission a
 15 request for hearing regarding ADEM
 16 Administrative Order Number 19-090-SW
 17 issued on July 18, 2019, to Deanne
 18 Cassandra Rainey, Katie Lane
 19 unauthorized dump in Ashville,
 20 St. Clair County, Alabama. On
 21 August 1st, 2022, the Petitioner filed
 22 with the Commission a notice of
 23 withdrawal of request for hearing. So

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1 as Chair, we acknowledge for the
 2 record Petitioner Deanne Cassandra
 3 Rainey's withdrawal of request for
 4 hearing.
 5 Agenda Item Number 5 is other
 6 business. Is there any other business
 7 that needs to be brought before the
 8 Commission today?
 9 (No response was heard.)
 10 MR. WALTERS: Hearing none, Item
 11 Number 6 is our future business
 12 session. The next Commission meeting
 13 is October the 14th, 2022, and as far
 14 as we know, all Commissioners are
 15 going to be here. Specifically you,
 16 Jay?
 17 MR. MASINGILL: As far as I know.
 18 MR. WALTERS: Jay is the Vice
 19 Chair. That means he'll be running
 20 the meeting next time, I assume. So
 21 we have no speakers today, no requests
 22 to speak?
 23 (No response was heard.)

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1 MR. WALTERS: Very well. I'll
 2 entertain a motion to adjourn.
 3 DR. PERRY: Motion.
 4 MR. WALTERS: I have a motion. Do
 5 I have a second?
 6 MR. MASINGILL: Second.
 7 MR. WALTERS: I have a motion and I
 8 have a second. All those in favor,
 9 signify by saying "aye."
 10 (All Commissioners affirmed.)
 11 MR. WALTERS: We stand adjourned.
 12 Thank you for your attendance.
 13 (Whereupon, the hearing
 14 concluded at 11:33 a.m.)
 15
 16
 17
 18
 19
 20
 21
 22
 23 * * * * *

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA

3 MONTGOMERY COUNTY

4 I, Patrick Miller, Alabama Certified
5 Court Reporter No. 631, and Commissioner for the
6 State of Alabama at Large, hereby certify that
7 on Friday, August 12th, 2022, I reported the
8 PROCEEDINGS in the matter of the foregoing
9 cause, and that the pages herein contain a true
10 and accurate transcription of said proceedings.

11 I further certify that I am neither kin
12 nor of counsel to the parties to said cause, nor
13 in any manner interested in the results thereof.

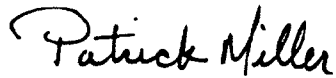
14 This 30th day of August, 2022.

15

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PATRICK MILLER, ACCR-631

19

Commissioner for the

State of Alabama at Large

20

MY LICENSE EXPIRES: 9/30/22

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MY COMMISSION EXPIRES: 2/08/23

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting on 08/12/2022

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ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

Meeting on 08/12/2022

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Part B

Attachment Index

Attachment 1 Agenda

**Attachment 2 Director's Slides
(Agenda Item 2)**

Attachment 1

Amended 8/2/22

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: August 12, 2022

TIME: 11:00 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Conference Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

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* The Agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov,
under Environmental Management Commission.

** The Minutes for this meeting will be available on the ADEM website
under Environmental Management Commission.

1. CONSIDERATION OF MINUTES OF MEETING HELD ON JUNE 10, 2022
2. REPORT FROM THE ADEM DIRECTOR
3. REPORT FROM THE COMMISSION CHAIR
4. DEANNE CASSANDRA RAINEY, PETITIONER V. ADEM, RESPONDENT, EMC DOCKET NO. 20-01

The Commission will acknowledge for the record Petitioner Deanne Cassandra Rainey's withdrawal of the Request for Hearing in the above matter.

On November 6, 2019, Petitioner Deanne Cassandra Rainey filed with the Commission a Request for Hearing regarding ADEM Administrative Order No. 19-090-SW issued on July 18, 2019, to Deanne Cassandra Rainey, Katie Lane Unauthorized Dump, Ashville, St. Clair County, Alabama. On August 1, 2022, the Petitioner filed with the Commission a Notice of Withdrawal of Request for Hearing.

5. OTHER BUSINESS
6. FUTURE BUSINESS SESSION

PUBLIC COMMENT PERIOD

BRIEF STATEMENTS BY MEMBERS OF THE PUBLIC REGISTERED TO SPEAK

Members of the public that wish to make a brief statement at a Commission meeting may do so by first signing in on a register maintained by the Commission office prior to each regularly scheduled meeting. The register will close ten minutes prior to convening each meeting of the Commission. Following completion of all agenda items, the Commission Chair will call on members of the public wishing to make a statement in the order their names appear on the register. Speakers are encouraged to limit their statement to matters that directly relate to the Commission's functions. Speakers will be asked to observe a three minute time limit. While an effort will be made to hear all members of the public signed on the register, the Commission may place reasonable limitations on the number of speakers to be heard. (Guideline 11, Guidelines for Public Comment).

The Guidelines for Public Comment are used in the application of ADEM Administrative Code 335-2, Environmental Management Commission Regulations, Rule 335-2-3-.05, Agenda and Public Participation. The Guidelines for Public Comment serve to educate and inform the public as to how the Commission interprets and intends to apply the Rule. The revised Rule 335-2-3-.05 was effective October 7, 2016.

Attachment 2



**Alabama Department Of
Environmental Management**

ENVIRONMENTAL JUSTICE – FAIR TREATMENT



**Alabama Department Of
Environmental Management**

History of “Fair Treatment”

- 1964 Civil Rights Act Title VI - law
- 1968 Diversity, Equity, Inclusion - initiatives
- 1970s CAA, CWA, SDWA, RCRA - laws
- 1994 Presidential Environmental Justice - EO



Alabama Department Of Environmental Management

ADEM Environmental Justice Goals

- Deepen EJ Practices
- Work with Partners
- Demonstrate Progress
- Meet Federal Justice40 Objectives



Alabama Department Of Environmental Management

Define Areas with EJ Concerns

- Previously: those with high non-white or poverty populations.
- Currently: those meeting environmental, climate, health, socioeconomic criteria.



Alabama Department Of Environmental Management

Define Areas with EJ Concerns

- Previously: those with high non-white or poverty populations.
- Currently: those meeting environmental, climate, health, socioeconomic criteria.



Alabama Department Of Environmental Management

Designated ADEM Personnel to Coordinate EJ Activities

- Department-wide EJ coordinators
- EJ activities overseen by Deputy Director
- Meet with Deputy Director at least twice per month
- Specialized training (e.g. EPA conferences)



Alabama Department Of Environmental Management

Training ADEM Personnel

- Title VI of the Civil Rights Act of 1964
- Diversity, Equity, Inclusion
- Environmental Justice
 - In-house
 - EPA



Alabama Department Of Environmental Management

Tracking Fair Treatment Results

- 55% of brownfields cleaned up
- 56% of air monitoring sites
- 62% of illegal dump cleanups from SWF
- 65% of special compliance assistance AST
- 68% of fish tissue sampling stations
- 76% of illegal scrap tire cleanups



Alabama Department Of Environmental Management

Tracking Fair Treatment Results

- 84% of water quality sampling stations
- 90% of waterbodies with TMDLs
- 92% of diesel retrofit grants
- 94% of stream miles with TMDLs
- 94% of assessed waterbodies
- 98% of non-point source project awards



Alabama Department Of Environmental Management

Increased Ranking Weight

- Cleanup priorities
- State Revolving Fund loan forgiveness
- Demonstration projects
- Grant programs



Alabama Department Of Environmental Management

Additional ADEM EJ Initiatives

- Local Government compliance assistance
- Low interest Water & Sewer loans
- Health and Education initiatives
- Brownfield redevelopment assistance
- Increased community meetings
- Direct mail to each household



Alabama Department Of Environmental Management

ALABAMA WATER AND SEWER
FUNDING



Alabama Department Of Environmental Management

Alabama Water and Sewer Funding

225 Mil\$ American Rescue Plan Act

+ 765 Mil\$ (5 yr) Bipartisan Infrastructure Law

- 137 Mil\$ available in 2022

+ 111 Mil\$ State Revolving Funds

= 1.1 Bil\$ (473 Mil\$ available in 2022)

3.2 Bil\$ requests

318 Mil\$ committed of 473 Mil\$ available



Alabama Department Of Environmental Management

MOBILE FIELD OFFICE AND
LABORATORY

